

Exhibit A

PRACTICAL APPLICATIONS OF THE INJUNCTION

This exhibit presents Plaintiff Fletcher's positions regarding practical applications under various provisions of the Agreed Permanent Injunction (Dkt. #140) (the "API"). These positions are not intended to modify or waive any provisions of the API; rather, they are merely presented in response to the Court's request for more granular information regarding the API.

Paragraph 11(a) of the API

1. Use of "Fletcher" as a trademark or service mark (a "Mark") is prohibited in any form of interstate commerce related to the food and beverage industry. API at ¶ 11(a).
 - a. Use of "Fletcher" and "Fletch" as part of the trade names of the FWH Parties' businesses (Fletcher-Warner Holdings LLC and Fletch Technology LLC) is prohibited. Those names must be changed.
 - b. Use of "Fletcher" to attract public attention to the FWH Parties' business is prohibited. In other words, "Fletcher" may not be used as an attention-getting symbol.
 - c. Use of "Fletcher" in a purely descriptive sense, other than as a Mark, would be permissible under Paragraph 11(a) of the API, provided that other provisions of the API are not violated.
 - i. If the FWH Parties wish to use "Fletcher" in a descriptive sense, other than as a Mark, the full legal names of Vicky Warner Fletcher and Victoria Jace Fletcher Christensen must be used. Use of "Fletcher" apart from the full legal names of Vicky Warner Fletcher and Victoria Jace Fletcher Christensen is prohibited.
 - ii. For example, the phrase "Vicky Warner Fletcher and Victoria Jace Fletcher Christensen are the proprietors of Corn Dog With No Name" in written Advertising would be permissible, provided it is contained within a block of text

(*i.e.*, not set off by itself) and does not appear in a type size or type style that is different from the surrounding text. Of course, there must be no mention of or reference to Plaintiff Fletcher's business, the familial relation of Vicky Warner Fletcher and/or Victoria Jace Fletcher Christensen to the inventors of corny dogs, or the story of the creation of corny dogs because that would violate other provisions of the API.

- iii. Vicky Warner Fletcher and Victoria Jace Fletcher Christensen must sign contracts involving their business using their full legal names.
- iv. Using Vicky Warner Fletcher's and Victoria Jace Fletcher Christensen's full names on business cards would be permissible, provided the name "Corn Dog With No Name" is also prominently displayed on the cards and Vicky Warner Fletcher's name and Victoria Jace Fletcher Christensen's name appear in a smaller type size than "Corn Dog With No Name."
- v. Using Vicky Warner Fletcher's and Victoria Jace Fletcher Christensen's full names on email communications would be permissible, provided the name "Corn Dog With No Name" is also prominently displayed on the email and Vicky Warner Fletcher's name and Victoria Jace Fletcher Christensen's name appear in a smaller type size than "Corn Dog With No Name."
- vi. In oral Advertising, it would be permissible for Vicky Warner Fletcher and Victoria Jace Fletcher Christensen to introduce themselves using their full names, provided they make no mention of or reference to Plaintiff Fletcher's business, the familial relation of Vicky Warner Fletcher and/or Victoria Jace Fletcher

Christensen to the inventors of corny dogs, or the story of the creation of corny dogs because that would violate other provisions of the API.

- vii. If the FWH Parties are asked whether they are affiliated with Plaintiff Fletcher's or Plaintiff Fletcher's business, they must say only that there is no affiliation.
- d. In media interviews or any other type of communication with the media related to the FWH Parties' business:
 - i. Vicky Warner Fletcher and Victoria Jace Fletcher Christensen must give the interview under their full name. If any other person associated with the FWH Parties is interviewed about the FWH Parties' business and is asked for the names of the proprietors, owners, or operators, they must give the full names Vicky Warner Fletcher and Victoria Jace Fletcher Christensen.
 - ii. In all such interviews and communications, the FWH Parties must not make any mention of or reference to Plaintiff Fletcher's business, the familial relation of Vicky Warner Fletcher and/or Victoria Jace Fletcher Christensen to the inventors of corny dogs, or the story of the creation of corny dogs because that would violate other provisions of the API.
 - iii. In all such interviews and communications, the FWH Parties must advise the media that they are legally prohibited from indicating they are affiliated or associated with Plaintiff's Fletchers or its business.
- e. The FWH Parties may use the "Vic and Jace" (without "Fletcher") and "Vic & Jace" (without "Fletcher") without restriction.
 - i. For example, the FWH Parties may use "Fry Deeply, Vic and Jace."

- f. The FWH Parties may use “Fletcher” in connection with any business that is not related to the food and beverage industry.

Paragraph 11(b) of the API

- 2. Use of “Fletcher” as a Mark is prohibited in the hypertext markup language of any Internet website that Advertises in the food and beverage industry. API at ¶ 11(b).
 - a. Use of “Fletcher” to attract public attention to the FWH parties’ business is prohibited. In other words, “Fletcher” may not be used as an attention-getting symbol.
 - b. Use of “Fletcher” in a purely descriptive sense, other than as a Mark, would be permissible under Paragraph 11(b) of the API, provided that other provisions of the API are not violated.
 - i. If the FWH Parties wish to use “Fletcher” in a descriptive sense, other than as a Mark, the full legal names of Vicky Warner Fletcher and Victoria Jace Fletcher Christensen must be used. Use of “Fletcher” apart from the full legal names of Vicky Warner Fletcher and Victoria Jace Fletcher Christensen is prohibited.
 - ii. For example, the phrase “Vicky Warner Fletcher and Victoria Jace Fletcher Christensen are the proprietors of Corn Dog With No Name” in written Advertising would be permissible, provided it is contained within a block of text (*i.e.*, not set off by itself) and does not appear in a type size or type style that is different from the surrounding text. Of course, there must be no mention of or reference to Plaintiff Fletcher’s business, the familial relation of Vicky Warner Fletcher and/or Victoria Jace Fletcher Christensen to the inventors of corny dogs, or the story of the creation of corny dogs because that would violate other provisions of the API.

Paragraphs 11(c)-(e) of the API

3. Use of Advertising that any FWH Party is or has ever been associated with Plaintiff Fletcher's business is prohibited. API at ¶ 11(c). Use of Advertising that is likely to cause confusion as to whether Plaintiff Fletcher's is the source of any of the FWH Parties or services is prohibited. API at ¶ 11(d). Use of Advertising that is likely to cause confusion as to whether any of the FWH Parties' products or services are sponsored by, approved by, endorsed by, or otherwise connected with Fletcher's is prohibited. API at ¶ 11(e).
 - a. The FWH Parties may use Advertising that includes references to the State Fair of Texas or other state fairs and fair-related terms (such as "midway," "Big Tex," and "fair food"), provided:
 - i. such references are not made in combination with any use of "Fletcher," including as part of the names of Vicky Warner Fletcher and Victoria Jace Fletcher Christensen; and
 - ii. such references are not made in combination with any hashtags or other terms that would tend to show an affiliation or association with Plaintiff Fletcher's or its business (such as "#legacy," "#familybusiness," "4thgencorndog").

Paragraph 11(f) of the API

4. Use of Advertising that includes the name, photographs of, or stories about Neil Fletcher Sr., Carl Fletcher, Neil ("Skip") Fletcher Jr. or any other member of the Fletcher family is prohibited unless the FWH Parties obtain the written consent of the applicable family member or the applicable family member's estate. API at ¶ 11(f)(i).

- a. Any such authorized Advertising that includes the name, photographs of, or stories about any other member of the Fletcher family must comply with all other provisions of the API, including but not limited to Paragraphs 11(c)-11(e).
 - b. The name, photographs of, or stories about any other member of the Fletcher family in such authorized Advertising must not be used to attract public attention to the FWH Parties' business. In other words, name, photographs of, or stories about any other member of the Fletcher family may not be used as attention-getting symbols.
5. Use of Advertising that includes the story of the creation of corny dogs is prohibited. API at ¶ 11(f)(ii).
6. Use of Advertising that includes a photograph of any concession stand or other place of business operated by Fletcher's Unlimited, Fletcher's, or any of their predecessors is prohibited. API at ¶ 11(f)(ii).